

REMARKS

This is in response to the Notice of Non-Compliant Amendment mailed on 27 June 2006. This is also in response to the Office Action mailed on 10 March 2006 in which claims 7 and 27-29 were rejected under 35 U.S.C. §102(b) and claims 4, 6, 9, 11-20, 22, 23, 25, 26 and 30-34 were rejected under 35 U.S.C. §103(a). With this Supplemental Amendment, claims 12, 26 and 33 are cancelled, claims 14, 20, 22 and 34 are amended and new claims 35-38 are added.

Notice of Non-Compliant Amendment

In the Notice of Non-Compliant Amendment, the Examiner stated that the Amendment filed on 27 April 2006 was non-compliant because (a) a complete listing of claims was not presented, (b) the listing of claims did not include the text of all pending claims and (c) each claim was not presented with the proper status identifier. Upon review, Applicant discovered that the previously filed amendment mistakenly omitted numbering of several previously cancelled claims. With this Supplemental Amended which replaces the previous Amendment, such accidental omissions have now been remedied. Pursuant to 37 C.F.R. §1.121(c)(4)(i), it is believed that the text for each cancelled claim is not required. Upon further review, it is also believed that the listing of claims is now complete, that the text of each pending claim is included and that each claim is presented with the proper status identifier. If this is not the case, Applicant requests specific clarification.

Claim Rejections --35 U.S.C. §102(b)

In the Office Action mailed on 10 March 2006, the Examiner rejected claims 7, 28 and 29 as being anticipated by U.S. Patent Number 1,582,045 issued to Howe (hereinafter "Howe"). Applicant respectfully disagrees. Claim 28 defines the present invention as including hinge members that are "...**positioned beyond an edge** [of]...the platform...." Only by positioning the hinge members beyond an edge of the platform is the handle able to be brought to a substantially perpendicular position as defined by claim 28. This is

neither taught, suggested nor disclosed by Howe. As previously discussed, Howe teaches away from the handle being positionable substantially perpendicular to the platform because the pivot point (pockets 20 in Howe) is positioned **below the platform 10** which does not fully allow the handle 22 to pivot to a point substantially perpendicular to the platform 10. The degree of perpendicularity, which appears to be the focus of the Examiner's argument, becomes somewhat irrelevant because Howe does not teach or suggest positioning the hinge members beyond an edge of the platform as currently claimed. Thus the Examiner's apparent focus on the function of the handle is in error because the claimed structure of the present invention in the positioning of the hinge members in relation to the edge of the platform is not taught or suggested by Howe. Even so, as suggested by Howe, the handle 22 will eventually engage the underside of the platform 10 well before coming anywhere near the perpendicular, as is illustrated in Figure 1, because the pivot point (pockets 20) is positioned **below the platform**. Even broadly construing Howe, as the Examiner suggests, does not get beyond the fact that because of the positioning of the pockets 20 as suggested by Howe, **it is a physical impossibility to position the handle 22 of Howe in a substantially perpendicular position because the pivot point is positioned under the platform, and not beyond an edge of the platform as currently defined by claim 28 of the present invention**. For this reason, it is believed that claim 28 is novel and in allowable form. Reconsideration and notice to that effect are respectfully requested. Also, because claims 7 and 29-35 depend from claim 28, and it is believed that claim 28 is novel and in allowable form, then claims 7 and 29-35 are novel and in allowable form. Reconsideration and notice to that effect for claims 7 and 29-35 are respectfully requested.

In the Office Action mailed on 10 March 2006, the Examiner rejected claim 27 as being anticipated by U.S. Patent No. 2,725,946 issued to Welter (hereinafter "Welter"). Applicant respectfully disagrees. Claim 27 defines the present invention as including "...a unitary rigid handle...positionable between a **slidable position**, a pivotable position and a locked position." Welter suggests a handle 17 connected to yoke 15

pivotaly connected to the frame which is lockable to the frame engaging latch 16 with a notch 14. Thus, while the handle 17 of Welter can arguably be positioned in a pivotable position and a locked position, Welter neither teaches, suggests nor discloses that handle 17 is positionable into a **slidable** position as defined by claim 27 of the present invention and therefore does not anticipate.

Furthermore, Welter does not anticipate claim 27 of the present invention because Welter neither teaches, discloses nor suggests the handle being lockable to the platform "...wherein **the handle is positionable** to place the locking plate **between** the tongue member and the handle to rigidly lock the handle to the platform." Welter only suggests that the latch 16 is positionable within the yoke 15 to engage a notch 14 to lock the handle 17 to the frame. In other words the latch 16 is always positioned between the locking plate and the handle (as opposed to disposing the locking plate between the tongue member and the handle as presently claimed). Therefore, Welter neither teaches nor suggests a unitary rigid handle positionable between a slidable position, a pivotable position and a locked position, and neither teaches nor suggests locking the handle to the platform **by positioning the handle** to place the locking plate **between** the tongue member and the handle.

For the aforementioned reasons, it is believed that claim 27 is novel and in allowable form. Reconsideration and notice to that effect are respectfully requested. Also, because claims 4, 6, 9, 11-13 and 38 depend in some fashion from claim 27, and it is believed that claim 27 is in allowable form, then claims 4, 6, 9, 11-13 and 38 are also believed to be in allowable form. Reconsideration and notice to that effect are respectfully requested.

Claim Rejections – 35 U.S.C. §103(a)

In the Office Action mailed on 10 March 2006, the Examiner rejected claim 14 as being unpatentable over Welter in view of Howe. Applicant respectfully disagrees. Claim 14 defines the handle of the invention as including "...a tongue portion **spaced-apart from** and extending parallel to the rigid member." Welter neither teaches, discloses nor suggests

a tongue member which is **spaced-apart from the handle**. Welter merely suggests a latch 16 which is embedded within a yoke 15 which is not spaced-apart from the handle as currently claimed. Neither Welter nor Howe, singularly or in combination, teach, suggest or disclose a handle including a tongue portion **spaced-apart from** and extending parallel to a rigid member wherein the handle is lockable to the platform by **positioning the handle** to dispose the locking plate **between** the tongue portion and the rigid member. As such, claim 14 is non-obvious over Welter in view of Howe, and is therefore patentable. It should be noted, however, that claim 14 has been amended to delete the term “downwardly” which was previously objected to. Applicant now believes that claim 14 is in allowable form. Also, because claims 15-19 and 36 depend from claim 14, and it is believed that claim 14 is novel, non-obvious and in allowable form, then claims 15-19 and 36 are also novel, non-obvious and in allowable form. Reconsideration and notice to that effect are respectfully requested for claims 14-19 and 36.

In the Office Action, the Examiner rejected claims 20 and 22 as being unpatentable over Welter in view of Howe and U.S Patent No. 5,078,415 issued to Goral (hereinafter “Goral”). For clarification purposes, claim 20 has been amended to define the tongue member as being spaced-apart from the handle and that whereupon disposing the locking plate between the tongue member and the handle, the handle fixedly secures to the platform in the locked position. For similar reasons as stated above, neither Welter, Howe nor Goral, singularly or in combination, suggest, teach or disclose a tongue member spaced-apart from the handle, whereupon disposing the locking plate between the tongue member and the handle, the handle fixedly secures to the platform. As such, claim 20 is believed to be non-obvious and in allowable form. Also, claim 22 has been amended to remove language now incorporated into claim 20. Because claims 22, 23, 25 and 37 depend in some fashion from claim 20, and it is believed that claim 20 is in allowable form, then claims 22, 23, 25 and 37 are also believed to be non-obvious and in allowable form. Reconsideration and notice to that effect for claims 20, 22, 23, 25 and 37 are respectfully requested.

In the Office Action mail on 10 March 2006, the Examiner rejected claim 34 as being unpatentable over Howe in view of Welter. For clarification purposes, claim 34 has been amended to define the tongue member as being “spaced-apart” in regard to the positional relationship the tongue member has with the handle. As similarly discussed above, neither Howe nor Welter, neither singularly nor in combination, teach, suggest or disclose a tongue member spaced-apart from the handle. Applicant therefore believes that claim 34 is non-obvious and in allowable form. Reconsideration and notice to that effect is respectfully requested.

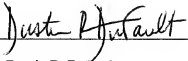
CONCLUSION

For the aforementioned reasons, it is now believed that the present Supplemental Amendment is compliant and that claims 4, 6, 7, 9, 11, 13-20, 22, 23, 25, 27-32 and 34-38 are all in order for allowance. Reconsideration and notice of allowance to that effect are respectfully requested.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact Applicant's attorney, Dustin R. DuFault, at 612-250-4851. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account Number 50-3738.

Respectfully submitted,
DuFAULT LAW FIRM, P.C.

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